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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/321,939	05/28/1999	WAYNE J. CARR	INTL-0208-US	7267

7590

01/02/2002

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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/321,939

Applicant(s)

CARR, WAYNE J.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

Art Unit: 2611

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "24" has been used to designate both 12 (content creator) and 24 (line connecting content creator and transport operator). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 110, 122, and 308. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

Art Unit: 2611

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,3, and 5-6, 10-12, 15, 18-19, and 21-22 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Matthews, III (U.S. Patent No. 5,874,985).

Referring to claim 1, Matthews discloses a method for selectively delivering broadcast programming and enhancement data to a subscriber (Column 2, Lines 29-31 and Lines 38-39).[✓] Matthews also discloses that a message may be delivered while the selected subscriber receives any video programming over the broadcast system (Column 2, Lines 45-51), and that the broadcast system can provide announcements to a viewer without having to modify each of up to about 500 channels of programming (Column 3, Lines 3-5). Matthews also discloses a service and application server 202a that is dedicated to announcement transmission (Column 7, Lines 30-35), and a multiplexing system 212 that receives and mixes the frequency modulated digital information (Column 8, Lines 1-5). Matthews also discloses that the subscriber station polls the separate communication channel for indications generated by the service and application servers 202a (Column 7, Lines 30-35) that an applicable announcement is available on a separate communication channel (Column 6, Lines 29-41). Matthews also discloses that the indications include a station identifier that corresponds to a specific station controller or multiple station controllers (Column 6, Lines 25-28 and Lines 41-43). Matthews also discloses that an interactive station controller 20 of a selected viewer station 16 identifies an applicable message signal, accepts it, and in

Art Unit: 2611

response retrieves the message image format, then generates a viewer message on the display screen 78 (Column 6, Lines 43-53).

Referring to claim 3, Matthews discloses that the subscriber station polls the separate communication channel for indications generated by a service and application server 202a (Column 7, Lines 30-35) that an applicable announcement is available on a separate communication channel (Column 6, Lines 29-41).

Referring to claim 5, Matthews discloses sending an announcement on a communications channel different from the channels carrying the broadcast programming (Column 2, Lines 52-57).

Referring to claim 6, Matthews discloses that announcements can be sent to one or more subscriber locations (Column 2, Lines 65-67).

Referring to claim 10, see rejection of claim 1. It is also inherent that a subscriber can tune to an audio/video program.

Referring to claim 11, see rejection of claim 1.

Referring to claim 12, Matthews discloses that announcements can be sent to one or more subscriber locations (Column 2, Lines 65-67). The Microsoft Computer Dictionary Fourth Edition teaches that multicasting is the process of sending a message simultaneously to more than one destination on a network (Page 301, Definition of "multicasting").

Referring to claim 15, Matthews discloses a system for receiving audio/video content over a transport medium (Column 3, Lines 49-52), and discloses a service and application server 202a that is dedicated to announcement transmission (Column 7,

Art Unit: 2611

Lines 30-35). Matthews also discloses a demodulator 62a that selects one of multiple conventional analog video signals to be displayed onto a television set 18 (Column 4, Lines 31-42). Matthews also discloses a CPU 66 that processes interactive information from the central control node 12 (Column 4, Lines 43-52). Matthews also discloses an interactive station controller 20 that polls the communication channel periodically for announcements (Column 6, Lines 37-43), and a station identifier that corresponds to the selected subscriber or multiple subscribers (Column 6, Lines 12-28).

Referring to claim 18, Matthews discloses that all devices within the interactive viewer station receives and responds to announcements in accordance with the station's software program (Column 2, Lines 37-44).

Referring to claim 19, Matthews discloses an analog video feed 214 that transmits audio/video programs to an interactive network 14 (Column 8, Lines 3-5 and Figure 1). Matthews also discloses a multiplexing system 212 that combines announcements and audio/video signals (Column 8, Lines 1-5). Matthews also discloses a central control node 12 that transmits the combined signal to one or more subscribers (Column 3, Lines 49-52).

Referring to claim 21, all the limitation are met in claim 10, with the exception of a second location of one or more announcements associated with the tuned audio/video program based on an indicator, and machine readable storage media containing program instructions for providing the functions of the system. Matthews teaches a station identifier that corresponds to the selected viewer station 16, which can direct an announcement to a first or second subscriber (Column 6, Lines 12-20). Matthews also

Art Unit: 2611

discloses that the interactive station controller 20 contains a CPU 66 that executes software applications to control the system (Column 4, Lines 43-53).

Referring to claim 22, Matthews discloses that the CPU 66 of the interactive station controller 20 executes the selection of analog or digital-based programming or software applications delivered from the central node 12 (Column 4, Lines 43-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (U.S. Patent No. 5,874,985) in view of Seidman et al. (U.S. Patent No. 6,298,482). Matthews discloses a method for selectively delivering broadcast programming and enhancement data to a subscriber (Column 2, Lines 29-31 and Lines 38-39). Matthews also discloses that a message may be delivered while the selected subscriber receives any video programming over the broadcast system (Column 2, Lines 45-51), and that the broadcast system can provide announcements to a viewer without having to modify each of up to about 500 channels of programming (Column 3, Lines 3-5). Matthews fails to teach that the special announcement data indicates the availability of the announcement data. Seidman teaches a message announcing the availability of the embedded data within a broadcast program (Column 7, Lines 25-38).

Art Unit: 2611

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the message delivery method for an interactive televideo system, as taught by Matthews, using the availability message method, as taught by Seidman for the purpose of providing the user a more interactive environment by notifying the headend of the user's response to the availability message (Column 7, Lines 34-38 of Seidman).

Claims 2, 4, 7-9, 13-14, 16-17, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (U.S. Patent No. 5,874,985) in view of the Advanced Television Enhancement Forum Specification (ATVEF).

Referring to claim 2, Matthews teaches all the limitations in independent claim 1, but fails to teach the adherence of the Advanced Television Enhancement Forum Specification. The Advanced Television Enhancement Forum Specification teaches that the enhancements comprise announcements that are processed and delivered over a broadcast network (Page 2, see "Using Enhanced TV"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the message delivery method for an interactive televideo system, as taught by Matthews, using the announcement broadcasting method, as taught by, Advanced Television Enhancement Forum Specification, for the purpose of providing a single public standard for delivering interactive television experiences that can be authored once using a variety of tools (Page 2, see "Introduction").

Referring to claim 4, Matthews teaches all the limitations in claim 1, but fails to teach receiving enhancement data including the announcements on a data-only

Art Unit: 2611

transport stream. The Advanced Television Enhancement Forum Specification teaches a UHTTP protocol that delivers resource data in a one-way broadcast-only environment (Page 8, see "Resource Transfer"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the message delivery method for an interactive televideo system, as taught by Matthews, using the announcement broadcasting method, as taught by, Advanced Television Enhancement Forum Specification, for the same purpose as disclosed in the rejection of claim 2.

Referring to claim 7, Matthews teaches all the limitations in claims 1 and 6, but fails to teach that receiving announcements at an Internet protocol address and port different from an expected announcement address and port. The Advanced Television Enhancement Forum Specification teaches that a broadcaster may use different IP addresses and ports for the data stream and trigger stream (Page 7, see "Data Delivery Over IP Multicast"), and that the trigger notifies a user of enhanced content availability (Page 7, see "Triggers"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the message delivery method for an interactive televideo system, as taught by Matthews, using the announcement broadcasting method, as taught by, Advanced Television Enhancement Forum Specification, for the same purpose as disclosed in the rejection of claim 2.

Referring to claim 8, Matthews discloses a method for selectively delivering broadcast programming and enhancement data to a subscriber (Column 2, Lines 29-31 and Lines 38-39). Matthews also discloses that a message may be delivered while the selected subscriber receives any video programming over the broadcast system

Art Unit: 2611

(Column 2, Lines 45-51), and that the broadcast system can provide announcements to a viewer without having to modify each of up to about 500 channels of programming (Column 3, Lines 3-5). Matthews fails to teach that the special announcement data indicates the availability of the announcement data. The Advanced Television Enhancement Forum Specification teaches that triggers can be used to notify the arrival of a signal to users of enhanced content availability (Page 7, see "Triggers"). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the message delivery method for an interactive televideo system, as taught by Matthews, using the announcement broadcasting method, as taught by, Advanced Television Enhancement Forum Specification, for the same purpose as disclosed in the rejection of claim 2.

Claim 9 corresponds to claim 8, with the additional limitation of the first location including an IP address and port at which announcements are expected to arrive. The additional limitations are taught in the rejection of claims 2 and 7.

Referring to claim 13, Matthews teaches all the limitation in claim 11, but fails to teach the adherence of the Advanced Television Enhancement Forum Specification. This additional limitation is taught in the rejection of claim 2.

Claim 14 corresponds to claim 13, with the additional limitation of a first location including an IP address and port at which announcements are expected to arrive. This additional limitation is taught in the rejection of claim 7.

Art Unit: 2611

Referring to claim 16, Matthews teaches all the limitation in claim 15, but fails to teach the adherence of the Advanced Television Enhancement Forum Specification. This additional limitation is taught in the rejection of claim 2.

Claim 17 corresponds to claim 16, with the additional limitation of a first location including an IP address and port at which announcements are expected to arrive. This additional limitation is taught in the rejection of claim 7.

Referring to claim 20, Matthews teaches all the limitations in claim 19, but fails to teach the adherence of the Advanced Television Enhancement Forum Specification. This additional limitation is taught in the rejection of claim 2.

Referring to claim 23, Matthews teaches all the limitations in claim 21, but fails to teach the adherence of the Advanced Television Enhancement Forum Specification. This additional limitation is taught in the rejection of claim 2.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chida (U.S. Patent No. 5,953,505) discloses a communication apparatus and method for reading out stored function information in response to identifying information.

Sistanizadeh et al. (U.S. Patent No. 5,784,683) discloses a shared use video processing systems for distributing program signals from multiplexed digitized information signals.

Seidman et al. (U.S. Patent No. 6,298,482) discloses system for two-way digital multimedia broadcast and interactive services.


Art Unit: 2611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-5741 for regular communications and (703) 746-5741 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

December 26, 2001


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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